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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,091	09/19/2003	Frederick James Diggle III	030488	1284

26285 7590 09/16/2004

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EXAMINER

MEISLIN, DEBRA S

ART UNIT PAPER NUMBER

3723

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,091	DIGGLE ET AL.	
	Examiner	Art Unit	
	Debra S Meislin	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/03, 11/19/03</u> . | 6) <input type="checkbox"/> Other: ____. |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7-11, and 16-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gonzales, Jr.

3. Claims 1, 4, 7-9, and 16-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marleau.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Cornia.

Gonzales, Jr. discloses all of the claimed subject matter except for having a notch in the key tip. Cornia discloses a notch in the key tip. It would have been obvious to one having ordinary skill in the art to form the device of Gonzales, Jr. with a notch in the key tip to enable the device to be driven by a screwdriver as taught by Cornia.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Her or Marleau.

Gonzales, Jr. discloses all of the claimed subject matter except for having an opening in the arm for receiving a torque member. Her and Marleau disclose an

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opening in the arm for receiving a torque member. It would have been obvious to one having ordinary skill in the art to form the arm of Gonzales, Jr. with an opening therein to receive a torque member or additional tool member as taught by Her or Marleau.

7. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Hedden.

Gonzales, Jr. discloses all of the claimed subject matter except for the tool being formed of metal. Hedden discloses a socket wrench tool being formed of metal. See column 3, line 7 of Hedden. It would have been obvious to one having ordinary skill in the art to form the device of Gonzales, Jr. out of metal for its known strength properties as taught by Hedden.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Arnold.

Gonzales, Jr. discloses all of the claimed subject matter except for the socket having a plastic sheath. Arnold discloses a plastic sheath/sleeve around the socket. It would have been obvious to one having ordinary skill in the art to form the device of Gonzales, Jr. with a plastic sheath/sleeve around the socket to allow for added grippability and to facilitate size recognition as taught by Arnold.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Hedden as applied above, in further view of Cornia.

Cornia discloses a notch in the key tip. It would have been obvious to one having ordinary skill in the art to form the device of Gonzales, Jr. with a notch in the key tip to enable the device to be driven by a screwdriver as taught by Cornia.

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10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Hedden and Cornia as applied above, in further view of Her or Marleau.

Her and Marleau disclose an opening in the arm for receiving a torque member. It would have been obvious to one having ordinary skill in the art to form the arm of Gonzales, Jr. with an opening therein to receive a torque member or additional tool member as taught by Her or Marleau.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Hedden, Cornia, and Her as applied above, in further view of Arnold.

Arnold discloses a plastic sheath/sleeve around the socket. It would have been obvious to one having ordinary skill in the art to form the device of Gonzales, Jr. with a plastic sheath/sleeve around the socket to allow for added grippability and to facilitate size recognition as taught by Arnold.

12. Claims 10-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marleau.

Marleau discloses all of the claimed subject matter except for having a hex key. Marleau discloses flat, cross and square keys. The examiner takes Official Notice that the use of hexagonal keys is notoriously old and well known in the art. Consequently, it would have been obvious to one having ordinary skill in the art to form the key of Marleau as hexagonal for engaging hexagonal workpieces.

13. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marleau in view of Cornia.

Marleau discloses all of the claimed subject matter except for having a notch in the key tip. Cornia discloses a notch in a hexagonal key tip. It would have been obvious to one having ordinary skill in the art to form the device of Marleau with a notch in a hexagonal key tip to enable the device to be driven by a screwdriver as taught by Cornia.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marleau in view of Cornia as applied above, in further view of Arnold.

Arnold discloses a plastic sheath/sleeve around the socket. It would have been obvious to one having ordinary skill in the art to form the device of Marleau with a plastic sheath/sleeve around the socket to allow for added grippability and to facilitate size recognition as taught by Arnold.

15. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, Jr. in view of Bollinger.

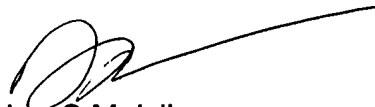
Gonzales, Jr. discloses all of the claimed subject matter except for differing key tip sizes. Bollinger discloses differing key tip sizes. See column 3, lines 25-40 and column 5, lines 5-16. It would have been obvious to one having ordinary skill in the art to form the key tips of Gonzales, Jr. with differing sizes for engagement with different workpieces as taught by Bollinger.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 703 308-3671. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

September 14, 2004